



US Army Corps  
of Engineers  
Alaska District

# Public Notice of Application for Permit

Regulatory Division (1145)  
CEPOA-RD  
Post Office Box 6898  
Elmendorf AFB, Alaska 99506-0898

PUBLIC NOTICE DATE: 15 February 2007

EXPIRATION DATE: 16 March 2007

REFERENCE NUMBER: POA-2006-1215

WATERWAY: Fish Creek

Interested parties are hereby notified that an application has been received for a Department of the Army (DA) permit for certain work in waters of the United States as described below and shown on the attached plans.

APPLICANT: International and C Street, LLC, an affiliate of JL Properties, 813 D Street, Suite 200, Anchorage, Alaska 99501-3510.

AGENT: Shannon & Wilson, Inc., Attn. Timothy M. Terry, 5430 Fairbanks Street, Suite 3, Anchorage, Alaska 99518-1263.

LOCATION: The proposed project is located within Wetland Unit 40A (Municipality of Anchorage Wetlands Atlas, 2004, Map 43), Section 31, T.13 N., R. 4 W., Seward Meridian; Latitude 61.1751°N., Longitude -149.8879°W.; Doubletree Subdivision, Block 1, Lots 2, 3, and 4; northwest of the intersection of International Airport Road and C Street, along the east side of Business Park Boulevard, in Anchorage, Alaska.

PURPOSE: Site preparation for the construction of a hotel/restaurant/office complex along a main route between the Ted Stevens Anchorage International Airport and downtown Anchorage.

WORK: Discharge approximately 71,000 cubic yards (cy) of well-graded sand and gravel in 5.86 acres of wetlands (the total area of the parcel is 12.05 acres). Initially, this fill volume would be placed in the non-building portions of the wetland area to surcharge or pre-consolidate the underlying peat. Following consolidation of the underlying peat material in the nonbuilding areas, the peat in the building footprint areas would be excavated. Excess surcharge material temporarily placed in the non-building areas in the wetland area, approximately 27,500 cy of the original 71,000 cy, would be used to fill the deeper excavations beneath the building footprints in the wetland area. This discharge would be for the construction of approximately 0.97 acre (42,340 square feet) of hotel space, 0.46 acre (20,000 square feet out of a total of 60,000 square feet) of office space, and 0.29 acre (12,840 square feet) of restaurant space. To meet the MOA Title 21 building code requirements, an additional 6.8 acres have been

incorporated into the design plans to provide paved parking spaces, accesses, circulation areas, and pedestrian amenities. The remaining 3.53 acres of the property's 12.1 acres would be water permeable areas including approximately 2.04 acres of landscaping around the buildings, 0.99 acre of biofiltration swales along the perimeter of paved areas, and a 0.5 acre wetland mitigation area in the northwest corner, of which 0.3 acre would be a constructed pond and 0.2 would be a wetland fringe.

#### ADDITIONAL INFORMATION

Sequence of Work: Approximately 5.86 acres of wetland would be converted to nonwetland. Peat would be excavated from the building sites using a backhoe. Fill would be placed in the wetlands using a track-mounted dozer and compacted using a heavy roller in areas to preconsolidate (or surcharge) the organic soils in the non-building areas. The total fill required for the project, i.e., 145,000 cy, would be placed on the site as surcharge in areas not designated as building footprint (plus sufficient area for over-excavation) or as the proposed mitigation area. In this manner, the areas not surcharged can be used for excess water collection. After preconsolidation is complete, excavation would be conducted in the building footprint areas to an average depth of 12 feet below the initial ground surface. Excess surcharge material temporarily placed in the non-building areas in the nonwetland area, approximately 36,400 cy of the original 74,000 cy, would be used to fill the deeper excavations beneath the building footprints in the nonwetland area. Remaining surcharge would be used to compensate for peat consolidation (est. 20 percent, or 3 feet) and to raise the entire site (except the mitigation area) to 3 feet above the current surface elevation.

Surveying the main project features, clearing of vegetation and placement of surcharge fill in the parking and access road areas are proposed for the summer of 2007. Excavation and fill placement in the building areas would not be performed until the summer of 2008. Peat varies between 9 and 15.5 feet deep over the site; some areas have several feet of fill over the existing peat. To provide structural support for the buildings, peat would be removed from about 2.64 acres, including overexcavation area, within the proposed building footprint locations and replaced with granular fill. Approximately 63,900 cy would be discharged in the building footprint excavations. In addition, approximately 81,450 cy would be placed as surcharge over the remaining portions of the site to facilitate the anticipated 20 percent peat compaction, including adjustment for the bioswales.

History of the Site: Prior to construction of the existing square-shaped dike between September 1983 and September 1984 associated with a plan to construct a hotel, the property was part of a large, undisturbed patterned ground bog wetland associated with Fish Creek. A 0.57-acre pond developed in the midst of the dike. Further fill deposits are present along the property's margins. The original large wetland complex of which this site was part has been fragmented by roadways and building sites. The site now has 3.97 acres of rarely or never ponded, patterned ground wetlands, 1.21 acres of seasonally ponded, patterned ground wetlands, and 0.68 acre of ponded, patterned ground wetlands including the 0.57 acre pond that formed within the square-shaped fill area in the south central portion of the property. A DA permit, POA-2000-793, Fish Creek 508, was issued to the Catholic Archdiocese in May 2001 for the construction of a basilica at the site, but construction was never initiated, and the property was sold to the current applicant. The property is zoned I-1, light industrial district.

Hotel establishments, business offices, and restaurants are listed as acceptable commercial uses in the Municipality of Anchorage (MOA) Title 21 building code.

Concept of the Proposed Complex: The proposed complex, which would include three chain hotels, each with 120 to 150 rooms, would help relieve the shortage of accommodations in downtown Anchorage by providing additional overnight accommodations during the conference season between September and May, and for the tourism industry between May and September. Businesses in the proposed 3-story office building (60,000 square feet of office space on a 20,000 square-foot footprint) would be expected to use the hotels for their seasonal workers who travel through Anchorage on their way to and from job sites throughout the state. The complex's two restaurants, each capable of seating 100 people, would provide lunch and dinner to hotel clientele and lunch to office workers. The complex would have easy access and high visibility and should be sufficiently distinct from similar facilities to avoid duplicating existing services. The proposed restaurants would enhance the diversity of available food options in the area and attract customers from the area's existing hotels, offices and other businesses. Given the busy traffic patterns, weather, and logistics in the Anchorage area, the co-location of the hotels, offices, and restaurant facilities in a single complex is described as increasing convenience to the users by reducing the need to travel off-site during the business day. The different elements of the complex are all described as important elements of the integrated plan with each element being critical to the success of the others. This proposed concentration of complementary uses would have easy access via transit routes, bicycle/pedestrian trails, etc..

Rationale for Size of Footprint: MOA codes require one parking space per hotel room resulting in 390 total parking spaces for the hotels, one parking space for every three fixed seats in the restaurants, resulting in a total of 150 parking spaces to serve the restaurants; and one space per 300 square feet of office space, resulting in 200 parking spaces to serve the offices. The proposed building footprints cover approximately 1.73 acres. To meet the MOA Title 21 building code requirements, an additional 6.8 acres have been incorporated into the design plans to provide paved parking spaces, accesses, circulation areas, and pedestrian amenities. The remaining 3.53 acres of the property's 12.1 acres is designated for landscaping around the buildings (approximately 2.04 acres), biofiltration swales (0.99 acre) and the wetland mitigation area (0.5 acre, of which 0.3 acre would be a constructed pond and 0.2 acre would be a constructed wetland fringe). Additional area may be necessary for utility easements, consideration of potential requirements associated with a conditional use permit, and blast zone setbacks for Federal occupancy.

Factors in Alternative Analysis: The applicant has concluded that the minimum size for the proposed complex is 10.5 acres. Land cost, availability for acquisition, percentage of the site that can be developed, presence of full service utilities, absence of more valuable wetland resources were elements considered in site selection. Of the nine alternate sites considered in Table 1, only three parcels (#1, 2, and 4) have the acreage to accommodate the proposed hotel/restaurant/office complex and are available for purchase. Of these, #2 and #4, are residentially zoned and are characterized by community concerns regarding commercial use as well as access/visibility issues. Two other sites (#3 and #6) have total area sufficient for project needs, but only a portion of those sites are available for acquisition from the current owners, and they are residentially zoned. Each of the remaining five sites has size limitations, and each has at least one other drawback

regarding availability, zoning, accessibility/visibility, or location in a flood plain. The applicant believes that reducing the number of structures would have a substantial negative impact on the project's economic viability. The number and type of structures are described as part of an integrated plan to provide lodging, food services, and office space in a concentrated area. Removing one or more individual structures would reduce the capability of the complex to operate as a synergistic business unit. The building footprints of the hotels and restaurants are dictated by the chains they are part of. The applicant believes that minor footprint reductions to allow small gains in retained wetlands would not likely justify the increased costs.

To serve the overall project function, the proposed complex project is described as having to be located along a main route between the Anchorage International Airport and downtown Anchorage, with the consequence that it should be located within the area bounded by International Airport Road, New Seward Highway, Spenard/Minnesota Drive, and Fireweed Lane. Within this general area, specific location considerations include traffic routes, designated land uses (i.e., zoning), visibility and accessibility, and surrounding land uses. In addition, the applicant has provided a discussion of these factors in their consideration of the alternatives described in Table 1.

The wetlands (Map 43 in MOA Wetlands Atlas. 2004) that are proposed to be filled are designated "B" in the Anchorage Wetlands Management Plan (Wetland Unit 40A, 1996). The presence of the pond that formed within the dike increased the site's hydrologic and species occurrence scores in the Anchorage Wetland Assessment Methodology. Bird use, particularly by Canada geese and mew gulls, is focused on the pond area; with nesting occurring in the areas around the ponded areas.

**MITIGATION:** As a result of early project planning, the applicant has incorporated into the proposed project the following mitigation efforts to reduce impacts to the aquatic environment:

Biofiltration swales (30 feet wide and three feet deep) planted with native species including willows, would be placed throughout the parking lot would receive runoff from the pavement and building roof tops. The bioswales would serve to remove sediment, petroleum hydrocarbons, and other nutrients from the runoff prior to being conveyed through culverts beneath driveways to forebays at the entry point to the 0.5-acre wetland mitigation area in the northwest corner. The wetland mitigation area would consist of a 0.3 acre constructed pond with a 0.2 acre wetland fringe; the vegetation patterns in the existing wetland/pond would be duplicated to the extent possible. The wetland mitigation area would be screened by a native shrub/tree perimeter buffer. This area would be protected in perpetuity by a legal instrument. Excess water would flow from the wetland mitigation area into a culvert that would be constructed under Business Park Boulevard and into the Business Park wetlands. Vegetation success would be monitored with a success criteria proposed of 80% survival by August 1 of the year following planting. Additional details are available in the DA permit application package.

Construction activities would not occur during the spring bird migration and nesting season, which typically occurs between April 15 and July 15. Filling in the existing wetland and pond would follow construction of the on-site wetland mitigation area and the establishment of vegetation to minimize the impact to nesting waterfowl. The impacts associated with the project will be assessed using the Anchorage Debit/Credit Method (December 2000); initial estimates are 2.81 debits and 1.34 credits. The outstanding debit balance

would be offset by offsite mitigation measures consisting of direct facilitation of local wetland and/or stream preservation, restoration and/or enhancement project or fee-in-lieu of mitigation.

WATER QUALITY CERTIFICATION: A permit for the described work will not be issued until a certification or waiver of certification as required under Section 401 of the Clean Water Act (Public Law 95-217), has been received from the Alaska Department of Environmental Conservation.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, reasons for holding a public hearing.

CULTURAL RESOURCES: The latest published version of the Alaska Heritage Resources Survey (AHRS) has been consulted for the presence or absence of historic properties, including those listed in or eligible for inclusion in the National Register of Historic Places. There are no listed or eligible properties in the vicinity of the worksite. Consultation of the AHRS constitutes the extent of cultural resource investigations by the District Engineer at this time, and he is otherwise unaware of the presence of such resources. This application is being coordinated with the State Historic Preservation Office (SHPO). Any comments SHPO may have concerning presently unknown archeological or historic data that may be lost or destroyed by work under the requested permit will be considered in our final assessment of the described work.

TRIBAL CONSULTATION: The Alaska District fully supports tribal self-governance and government-to-government relations between the Federal government and Federally recognized Tribes. This notice invites participation by agencies, Tribes, and members of the public in the Federal decision-making process. In addition, Tribes with protected rights or resources that could be significantly affected by a proposed Federal action (e.g., a permit decision) have the right to consult with the Alaska District on a government-to-government basis. Views of each Tribe regarding protected rights and resources will be accorded due consideration in this process. This Public Notice serves as notification to the Tribes within the area potentially affected by the proposed work and invites their participation in the Federal decision-making process regarding the protected Tribal right or resource. Consultation may be initiated by the affected Tribe upon written request to the District Engineer during the public comment period.

ENDANGERED SPECIES: No threatened or endangered species are known to use the project area. Preliminarily, the described activity will not affect threatened or endangered species, or modify their designated critical habitat, under the Endangered Species Act of 1973 (87 Stat. 844). This application is being coordinated with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service. Any comments they may have concerning endangered or threatened wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

ESSENTIAL FISH HABITAT: The proposed work is being evaluated for possible effects to Essential Fish Habitat (EFH) pursuant to the Magnuson Stevens Fishery Conservation and Management Act of 1996 (MSFCMA), 16 U.S.C. et seq and associated federal regulations found at 50 CFR 600 Subpart K. EFH, including Habitat Areas of Particular Concern (HAPC), in the Alaska District are described for species managed under a federal Fishery Management Plans. We have reviewed the National Marine Fisheries Service (NMFS) and North

Pacific Fishery Management Council's Final Environmental Impact Statement for Essential Fish Habitat Identification and Conservation in Alaska (April 2005) to locate and identify EFH in the vicinity of the proposed action. We have also reviewed the NMFS Environmental Assessment/Regulatory Impact Review/Regulatory Flexibility Analysis for Amendments 65/65/112/7/8 to the Bering Sea Aleutian Islands Groundfish Fishery Management Plan (#65), Gulf of Alaska Groundfish Fishery Management Plan (#65), Bering Sea Aleutian Islands Crab Fishery Management Plan (#12), Scallop Fishery Management Plan (#7), and the Salmon Fishery Management Plan (#8) and Regulatory Amendments to Provide Habitat Areas of Particular Concern (April 2005) to locate and identify HAPC in the vicinity of the proposed action. The project is not located within areas described as EFH. The project is not located in any HAPC.

We have determined that the described activity within the proposed area will not adversely affect EFH, and will not adversely affect HAPC. There is no above-ground creek on or in the immediate vicinity of the proposed project. The artificial water body at the southern end of the property is not known to have any fish. This Public Notice initiates consultation requirements with the NMFS under the MSFCMA. We have insufficient information at this time to assess the cumulative effects of the proposed work on EFH, but cumulative effects will be considered in our final assessment of the described work. Any conservation recommendations regarding EFH for federally managed fish will also be considered in our final assessment of the described work.

SPECIAL AREA DESIGNATION: None.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts, which the proposed activity may have on the public interest, requires a careful weighing of all the factors that become relevant in each particular case. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. The outcome of the general balancing process would determine whether to authorize a proposal, and if so, the conditions under which it will be allowed to occur. That decision should reflect the national concern for both protection and utilization of important resources. All factors, which may be relevant to the proposal, must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving 404 discharges, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agency's 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria (see Sections 320.2 and 320.3), a permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on

endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Comments on the described work, with the reference number, should reach this office no later than the expiration date of this Public Notice to become part of the record and be considered in the decision. Please contact Ms. Mary Lee Plumb-Mentjes at 753-2712, or by email at Mary.Plumb-Mentjes@poa02.usace.army.mil if further information is desired concerning this notice.

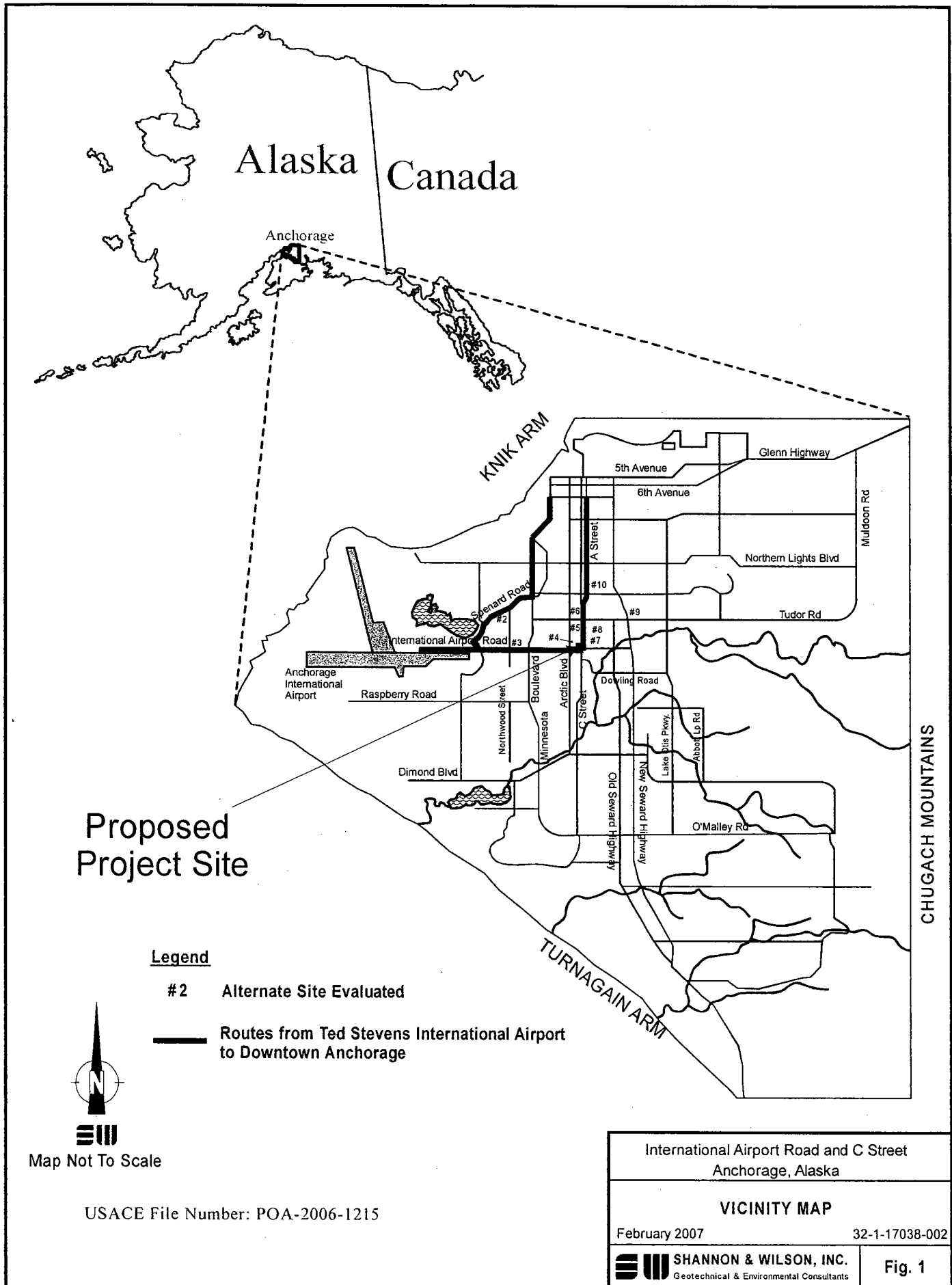
AUTHORITY: This permit will be issued or denied under the following authorities:

(X) Discharge dredged or fill material into waters of the United States - Section 404 Clean Water Act (33 U.S.C. 1344). Therefore, our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 CFR 230).

Plans and Notice of Application for State Water Quality Certification are attached to this Public Notice.

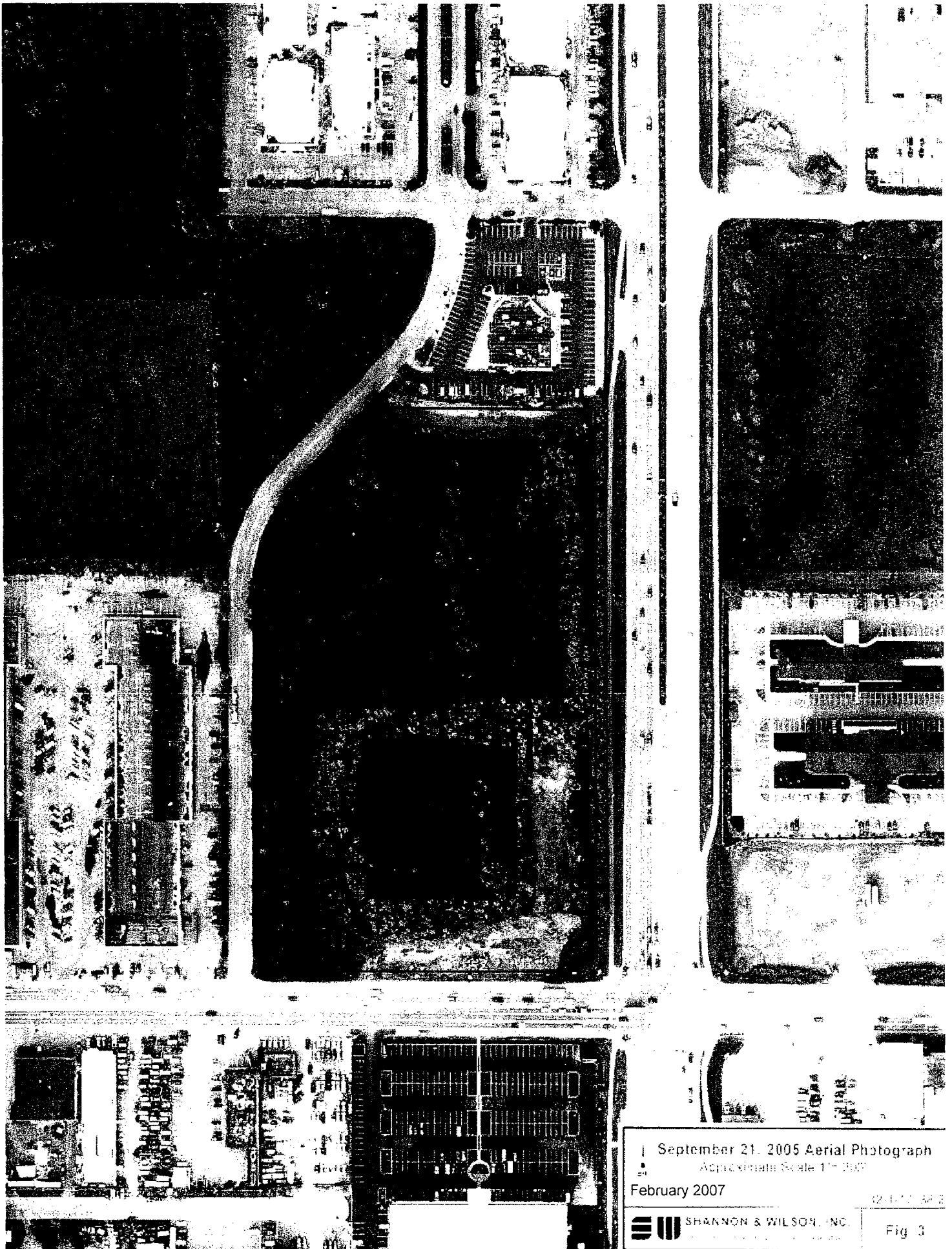
District Engineer  
U.S. Army, Corps of Engineers

Attachments








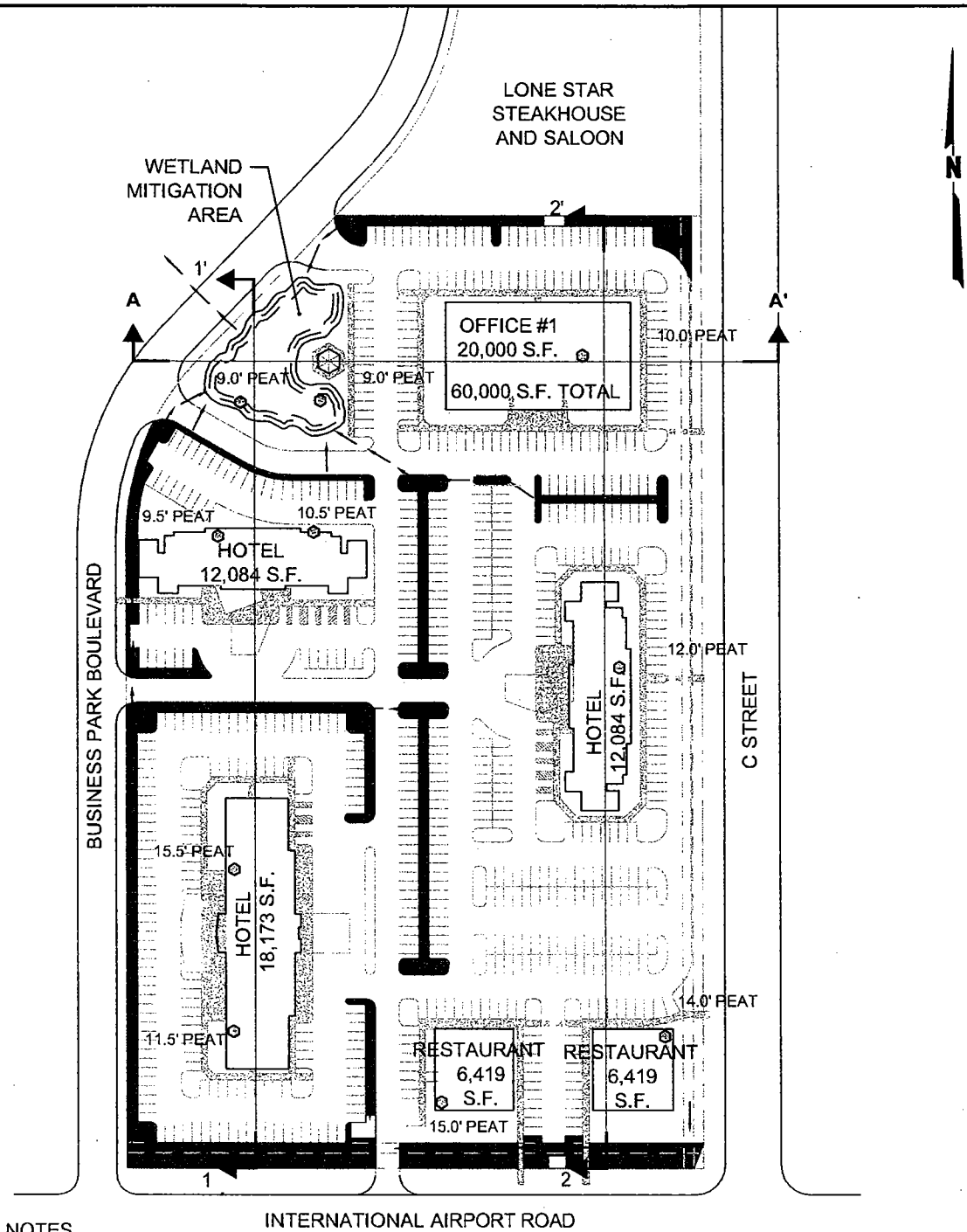


September 21, 2005 Aerial Photograph  
Approximate Scale 1" = 200'  
February 2007

 SHANNON & WILSON, INC.  
A Division of The Shaw Group

12-1-12-07-2

Fig 3

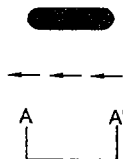


#### NOTES

Base Figure provided by Dowl Engineers

USACE File Number: POA-2006-1215

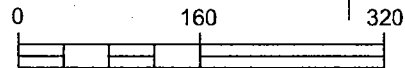
#### LEGEND



Bioswale boundaries

Flow direction

See Fig. 6 for Cross Section details



Scale in Feet

International Airport Road and C Street  
Anchorage, Alaska

#### CONCEPTUAL SITE PLAN

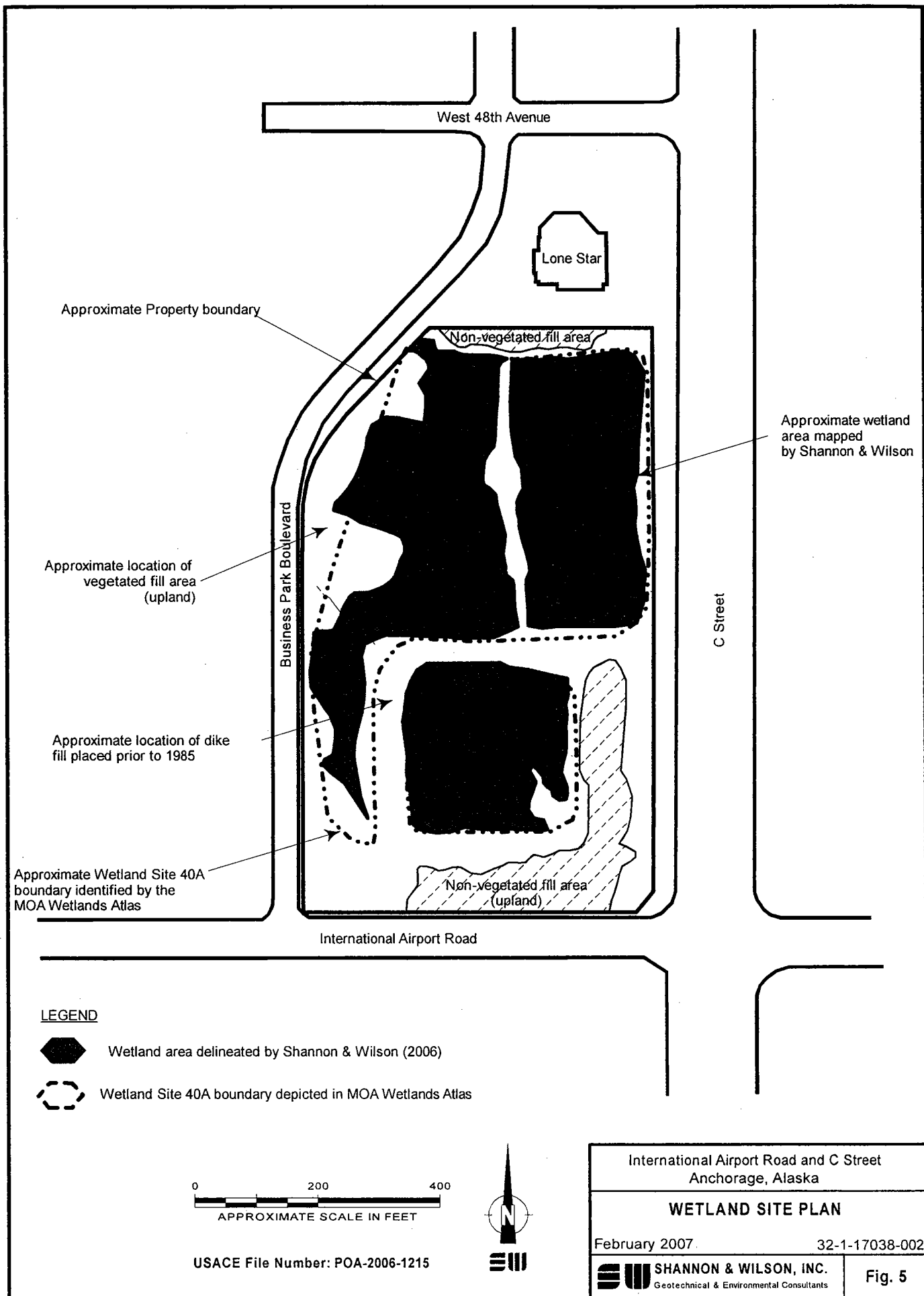
February 2007

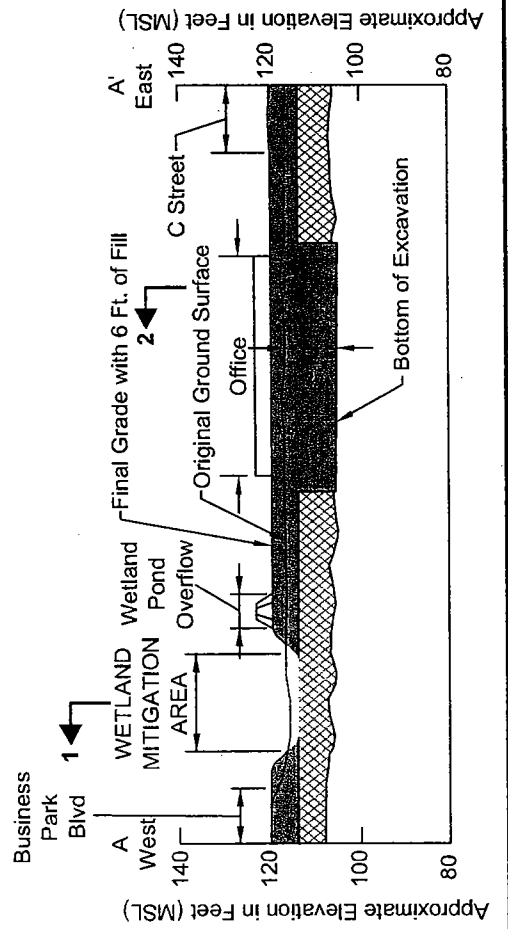
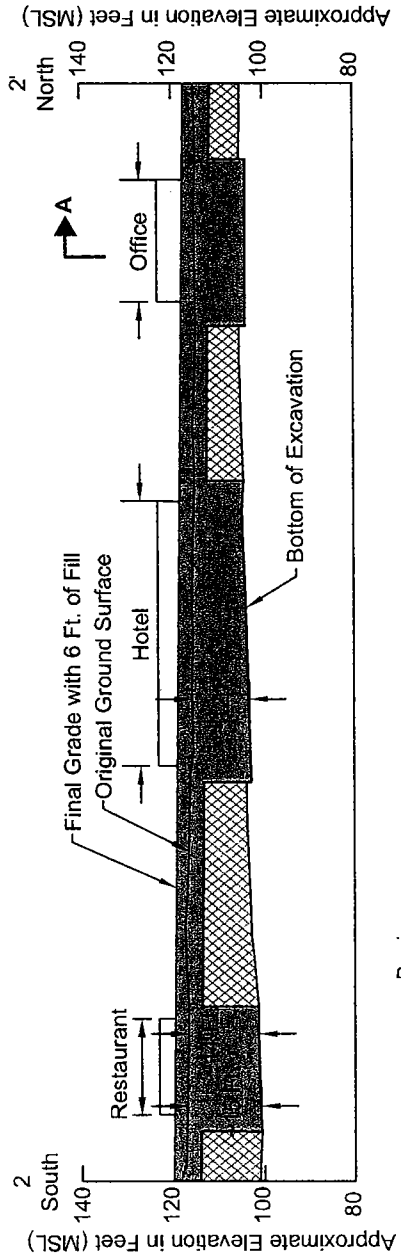
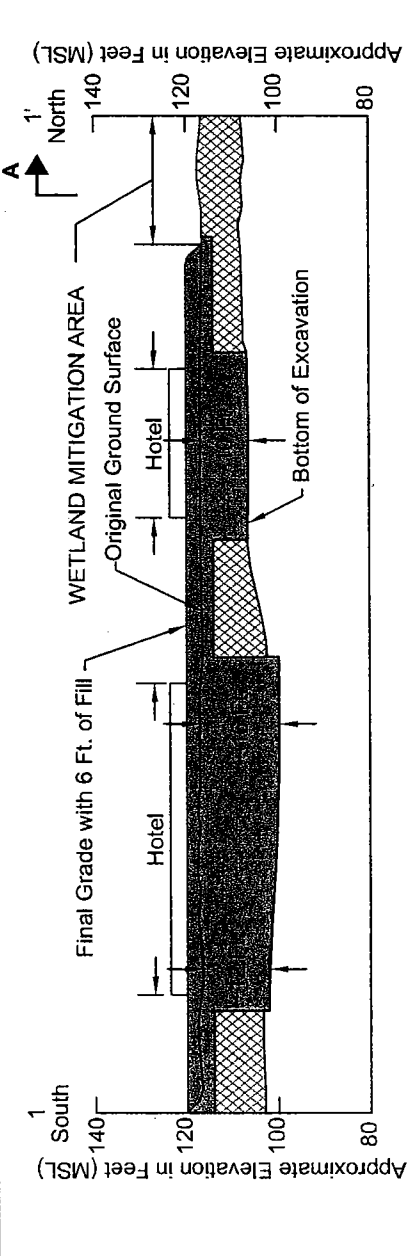
32-1-17038-002



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Fig. 4





**NOTES**

Above ground structure heights are not to scale.

USACE File Number: POA-2006-1215

See Fig. 4 for Cross Section location

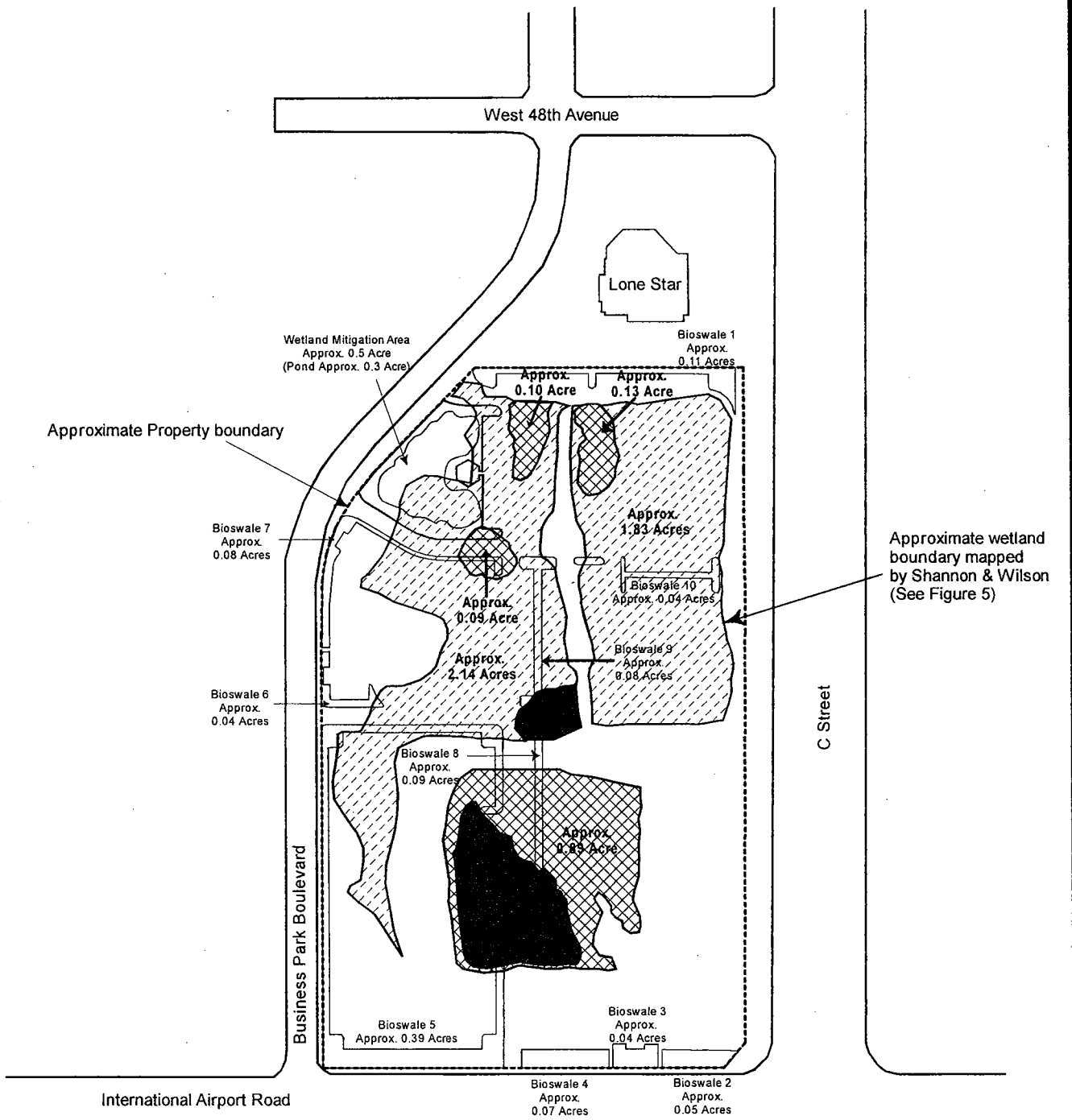
International Airport Road and C Street  
Anchorage, Alaska

**CROSS SECTIONS**

February 2007

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Fig. 6




# **LEGEND**

PG = Patterned Ground

REV = Relative Ecological Value

 REV 1 - Persistently Pondered PG

 REV 2 - Seasonally Pondered PG

 REV 3 - Rarely or Never Pondered PG

 REV 4 (none on site)



USACE File Number: POA-2006-1215



International Airport Road and C Street  
Anchorage, Alaska

## **RELATIVE ECOLOGICAL VALUE POLYGONS**

February 2007

32-1-17038-002



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**Fig. 8**

# STATE OF ALASKA

DEPT. OF ENVIRONMENTAL CONSERVATION

**DIVISION OF WATER**

401 Certification Program

Non-Point Source Water Pollution Control Program

**NOTICE OF APPLICATION  
FOR  
STATE WATER QUALITY CERTIFICATION**

Any applicant for a federal license or permit to conduct an activity that might result in a discharge into navigable waters, in accordance with Section 401 of the Clean Water Act of 1977 (PL95-217), also must apply for and obtain certification from the Alaska Department of Environmental Conservation that the discharge will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. By agreement between the U.S. Army Corps of Engineers and the Department of Environmental Conservation, application for a Department of the Army permit to discharge dredged or fill material into navigable waters under Section 404 of the Clean Water Act also may serve as application for State Water Quality Certification.

Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice No. **POA-2006-1215, Fish Creek**, serves as application for State Water Quality Certification from the Department of Environmental Conservation.

After reviewing the application, the Department may certify that there is reasonable assurance that the activity, and any discharge that might result, will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. The Department also may deny or waive certification.

Any person desiring to comment on the project with respect to Water Quality Certification may submit written comments within 30 days of the date of the Corps of Engineer's Public Notice to:

Department of Environmental Conservation  
WQM/401 Certification  
555 Cordova Street  
Anchorage, Alaska 99501-2617  
Telephone: (907) 269-6281  
FAX: (907) 269-7508